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2001 - 2002 Legislature

SENATE BILL 424

special election held throughout the district that is held at least 45 days after the district adopts the resolution to increase the tax levy rate.

Under the bill, a district's income is exempt from the income tax, a district's property is exempt from the property tax, property transferred to a district is exempt from the real estate transfer fee, and sales of tangible personal property or services to the district are exempt from all state and local sales taxes and use taxes.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 5.02 (21) of the statutes is amended to read:

2 5.02 (21) "Spring election" means the election held on the first Tuesday in April
3 to elect judicial, educational, and municipal officers, nonpartisan county officers,
4 sewerage commissioners, and ~~members of the board of directors of local park and~~
5 ~~recreation districts~~ *Service* and to express preferences for the person to be the presidential
6 candidate for each party.

7 SECTION 2. 5.58 (1u) of the statutes is created to read:

8 5.58 (1u) ~~BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS~~ *METROPOLITAN SERVICE DISTRICT COMMISSION* Except
9 as authorized in s. 5.655, there shall be a separate ballot for members of the ~~board~~
10 ~~of directors of any local park and recreation district~~ *Metropolitan Service Commission* Arrangement of the names on
11 the ballot shall be determined by the ~~local park and recreation district clerk~~ *Metropolitan Service* in the
12 manner provided under s. 5.60 (1) (b). The ballot shall be entitled "Official Primary
13 Ballot for Member of the ~~Board of Directors of the Local Park and Recreation~~
14 ~~District~~ *Commission*"

15 SECTION 3. 5.58 (3) of the statutes is amended to read:

1 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
 2 for any judicial office, or for any elected seat on a metropolitan sewerage commission
 3 or town sanitary district commission; in counties having a population of 500,000 or
 4 more only 2 candidates for member of the board of supervisors within each district;
 5 in counties having a population of less than 500,000 only 2 candidates for each
 6 member of the county board of supervisors from each district or numbered seat or
 7 only 4 candidates for each 2 members of the county board of supervisors from each
 8 district whenever 2 supervisors are elected to unnumbered seats from the same
 9 district; in 1st class cities only 2 candidates for any at-large seat and only 2
 10 candidates from any election district to be elected to the board of school directors;
 11 in school districts electing school board members to numbered seats, or pursuant to
 12 an apportionment plan or district representation plan, only 2 school board
 13 candidates for each numbered seat or within each district; ~~in a local park and~~
 14 ~~recreation district.~~ service ~~twice as many candidates as are to be elected members of the~~
 15 ~~metropolitan service district commission~~ board of directors, or, if the district elects ~~board members~~ commissioners
 16 twice as many candidates as are to be elected members of the board of directors from
 17 each apportioned area; and twice as many candidates as are to be elected members
 18 of other school boards or other elective officers receiving the highest number of votes
 19 at the primary shall be nominees for the office at the spring election. Only their
 20 names shall appear on the official spring ballot.

21 SECTION 4. 5.60 (6u) of the statutes is created to read:

22 (CS) METROPOLITAN SERVICE DISTRICT COMMISSION.
 23 5.60 (6u) ~~BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.~~

24 Except as authorized in s. 5.655, a separate ballot shall list the names of all
 25 candidates for member of the metropolitan service district commission
~~board of directors of any local park and recreation~~
~~district.~~ Arrangement of the names on the ballot shall be determined by the local

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1 ~~park and recreation~~ ^{Metropolitan Service} district clerk in the manner provided under sub. (1) (b). The
2 ballot shall be entitled "Official Ballot for Member of the ~~Board of Directors of the~~ ^{Metropolitan}
3 ~~Local Park and Recreation District.~~ ^{Service} Commission"

4 SECTION 5. 5.68 (2) of the statutes is amended to read:

5 5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies,
6 notices, and any other materials necessary in preparing or conducting any election
7 shall be paid for by the county or municipality whose clerk or board of election
8 commissioners is responsible for providing them. If a ballot is prepared for a school,
9 technical college, sewerage or sanitary, or ~~local park and recreation~~ ^{Metropolitan Service} district, the
10 district shall pay for the cost of the ballot. If no other level of government is involved
11 in a school, technical college, sewerage or sanitary, or ~~local park and recreation~~ ^{Metropolitan Service}
12 district election, the district shall pay for all costs of the ballots, supplies, notices, and
13 other materials. If ballots, supplies, notices, or other materials are used for elections
14 within more than one unit of local government, the costs shall be proportionately
15 divided between the units of local government involved in the election. In a 1st class
16 city, all costs otherwise attributable to a school district shall be paid by the city.

17 SECTION 6. 5.68 (3) of the statutes ~~as affected by 2001 Wisconsin Act 101~~ is
18 amended to read:

19 5.68 (3) If voting machines are used or if an electronic voting system is used
20 in which all candidates and referenda appear on the same ballot, the ballots for all
21 national, state, and county offices and for county and state referenda shall be
22 prepared and paid for by the county wherein they are used. If the voting machine
23 or electronic voting system ballot includes a municipal or school, technical college,
24 sewerage or sanitary, or ~~local park and recreation~~ ^{Metropolitan Service} district ballot, the cost of that

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SECTION 6

1 portion of the ballot shall be reimbursed to the county or paid for by the municipality
2 or district, except as provided in a 1st class city school district under sub. (2).

3 SECTION 7. 7.51 (3) (b) of the statutes is amended to read:

4 7.51 (3) (b) For ballots which relate only to municipal or school district, or ~~local~~
5 ~~metropolitan service~~ park and recreation district offices or referenda, the inspectors, in lieu of par. (a),
6 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,
7 paste paper over the slots, sign their names to the paper, and deliver them and the
8 keys therefor to the municipal or school district, or ~~local park and recreation district~~ ~~metropolitan service~~
9 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

10 SECTION 8. 7.51 (3) (d) of the statutes is amended to read:

11 7.51 (3) (d) All absentee certificate envelopes which have been opened shall be
12 returned by the inspectors to the municipal clerk in a securely sealed carrier
13 envelope which is clearly marked "used absentee certificate envelopes". The
14 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
15 the ballots are used in a municipal or school district, or ~~local park and recreation~~ ~~metropolitan service~~
16 ~~district~~ election only, the municipal clerk shall transmit the used envelopes to the
17 county clerk.

18 SECTION 9. 7.51 (4) (b) of the statutes is amended to read:

19 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
20 immediately after the votes are tabulated or counted at each election, shall report
21 the returns of the election to the municipal clerk or to the school district clerk for
22 school district elections, except in 1st class cities, or to the ~~local park and recreation~~ ~~metropolitan service~~
23 ~~district clerk for local park and recreation~~ ~~metropolitan service~~ district elections. The clerk shall then
24 make the returns public.

25 SECTION 10. 7.51 (5) of the statutes is amended to read:

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(a) ← plain

7.51 (5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on tally sheet ~~provided~~ ^{(form) ← plain} by the municipal clerk for ~~this~~ ^{that ← plain} purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container one inspectors' statement under sub. (4) (a), one tally sheet ^{← plain} and one poll or registration list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda or ~~local park and recreation district offices~~ ^{Metropolitan Service}. The inspectors shall also similarly seal one inspectors' statement, one tally sheet ^{← plain} and one poll or registration list for delivery to the municipal clerk. For school district elections, except in 1st class cities, the inspectors shall similarly seal one inspectors' statement, one tally sheet ^{← plain} and one poll or registration list for delivery to the school district clerk. For ~~local park and recreation district elections~~ ^{Metropolitan Service}, the inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll or registration list for delivery to the ~~local park and recreation district clerk~~ ^{Metropolitan Service ← score}. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists ^{← plain} and envelopes to the municipal clerk. ^(b) The municipal clerk shall arrange for delivery of all ballots, statements, tally sheets, lists ^{← plain} and envelopes relating to a school district or ~~local park and recreation district~~ ^{Metropolitan Service} election to the school district or ~~local park and recreation district~~ ^{Metropolitan Service} clerk, respectively. The municipal clerk shall deliver the ballots, statements, tally sheets, lists ^{← plain} and envelopes for his or her municipality relating to any county, technical college district, state ^{← plain} or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal

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1 treasury. Each clerk ^{plain} ~~receiving~~ ^{shall retain} ballots, statements, tally sheets, or envelopes ~~shall~~
 2 ~~retain them~~ until destruction is authorized under s. 7.23 (1). ^{received by the Clerk}

3 SECTION 11. 7.53 (3m) of the statutes is created to read:

4 7.53 (3m) ^{CS METROPOLITAN SERVICE} ~~LOCAL PARK AND RECREATION~~ DISTRICT ELECTIONS. The ~~local park and~~
 5 ~~recreation~~ ^{metropolitan service} district clerk shall appoint 2 qualified electors of the district prior to the
 6 date of the election being canvassed, who shall, with the clerk, constitute the ~~local~~
 7 ~~park and recreation~~ ^{metropolitan service} district board of canvassers. The clerk shall appoint ~~a member~~
 8 ^{an individual} to fill any temporary vacancy on the board of canvassers. The canvass shall begin
 9 as soon as possible after receipt of the returns and shall continue, without
 10 adjournment, until completed. The board of canvassers may return defective returns
 11 to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board
 12 of canvassers shall prepare a written statement showing the numbers of votes cast
 13 for each person for each office and shall prepare a determination showing the names
 14 of the persons who are elected to the ~~board of directors~~ ^{metropolitan service district commission}. Following each primary
 15 election, the board of canvassers shall prepare a statement certifying the names of
 16 the persons who have won nomination to the ~~board of directors~~ ^{metropolitan service district commission}. Each statement and
 17 determination shall be attested by each of the canvassers. The board of canvassers
 18 shall file each statement and determination in the ~~local park and recreation~~ ^{metropolitan service} district
 19 office. ✓

20 SECTION 12. 8.10 (6) (e) of the statutes is created to read:

21 8.10 (6) (e) For members of ~~the board of directors of a local park and recreation~~ ^{a metropolitan service district commission}
 22 ~~district~~ ^{metropolitan service} with the ~~local park and recreation~~ district clerk.

23 SECTION 13. 8.11 (2f) of the statutes is created to read:

24 8.11 (2f) ^{CS METROPOLITAN SERVICE DISTRICT COMMISSIONS} ~~BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS~~

25 A primary shall be held in a ~~local park and recreation~~ ^{metropolitan service} district whenever there are

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1 more than twice the number of candidates to be elected members of the ~~board of~~
2 ~~metropolitan service district commission~~
3 ~~directors of the local park and recreation district~~, or, if the district elects ~~board~~
4 ~~members~~ ^{COMMISSIONERS} from apportioned areas, more than twice as many candidates as are to be
5 ~~COMMISSIONERS~~ elected ~~members of the board of directors~~ from any apportioned area.

6 SECTION 14. 9.10 (1) (a) of the statutes is amended to read:

7 9.10 (1) (a) The qualified electors of the state; of any county, city, village, or
8 town; of any congressional, legislative, judicial, or school district; ~~of any local park~~
9 ~~and recreation district~~ ^{metropolitan service}; or of any prosecutorial unit may petition for the recall of any
10 incumbent elective official by filing a petition with the same official or agency with
11 whom nomination papers or declarations of candidacy for the office are filed
12 demanding the recall of the officeholder.

13 SECTION 15. 9.10 (1) (b) of the statutes is amended to read:

14 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,
15 congressional, legislative, judicial, or county officer shall be signed by electors equal
16 to at least 25% of the vote cast for the office of governor at the last election within the
17 same district or territory as that of the officeholder being recalled. Except as
18 provided in par. (c), a petition for the recall of a city, village, town, ~~local park and~~
19 ~~recreation district~~ ^{metropolitan service}, or school district officer shall be signed by electors equal to at
20 least 25% of the vote cast for the office of president at the last election within the same
21 district or territory as that of the officeholder being recalled.

22 SECTION 16. 9.10 (2) (d) of the statutes is amended to read:

23 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
24 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
25 filing officer with whom the petition is filed. The petitioner shall append to the
registration a statement indicating his or her intent to circulate a recall petition, the

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1 name of the officer for whom recall is sought and, in the case of a petition for the recall
2 of a city, village, town, ~~local park and recreation district~~ metropolitan service district, or school district officer, a
3 statement of a reason for the recall which is related to the official responsibilities of
4 the official for whom removal is sought. No petitioner may circulate a petition for
5 the recall of an officer prior to completing registration. The last date ~~that~~ on which
6 a petition for the recall of a state, congressional, legislative, judicial, or county officer
7 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The
8 last date ~~that~~ on which a petition for the recall of a city, village, town, ~~local park and~~
9 ~~recreation district~~ metropolitan service, or school district officer may be offered for filing is 5 p.m. on the
10 30th day commencing after registration. After the recall petition has been offered
11 for filing, no name may be added or removed. No signature may be counted unless
12 the date of the signature is within the period provided in this paragraph.

13 SECTION 17. 9.10 (3) (a) of the statutes is amended to read:

14 9.10 (3) (a) This subsection applies to the recall of all elective officials other
15 than city, village, town, ~~local park and recreation district~~ metropolitan service, and school district officials.
16 City, village, town, ~~local park and recreation district~~ metropolitan service, and school district officials are
17 recalled under sub. (4). ✓

18 SECTION 18. 9.10 (4) (a) of the statutes is amended to read:

19 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
20 ~~local park and recreation district~~ metropolitan service, or school district official, is offered for filing, the
21 officer against whom the petition is filed may file a written challenge with the
22 ~~municipal clerk or board of election commissioners or school district clerk~~ official or
23 agency with whom it ~~the petition~~ is filed, specifying any alleged insufficiency. If a
24 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
25 ~~clerk or board of election commissioners~~ official or agency within 5 days after the

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1 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
2 may file a reply to any new matter raised in the rebuttal within 2 days after the
3 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
4 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency
5 shall file the certificate or an amended certificate. Within 31 days after the petition
6 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency
7 shall determine by careful examination of the face of the petition whether the
8 petition is sufficient and shall so state in a certificate issued by the official or agency
9 and attached to the petition. If the petition is found to be insufficient, the certificate
10 shall state the particulars creating the insufficiency. The petition may be amended
11 to correct any insufficiency within 5 days following the affixing of the original
12 certificate. Within 2 days after the offering of the amended petition for filing, the
13 ~~clerk or board of election commissioners~~ official or agency shall again carefully
14 examine the face of the petition to determine sufficiency and shall attach to the
15 petition a certificate stating the findings. Immediately upon finding an original or
16 amended petition sufficient, except in cities over 500,000 population, the municipal
17 ~~clerk or school district clerk~~ a metropolitan service district commission and except with regard to a member of ~~the board of~~
18 ~~directors of a local park and recreation district~~ the official shall transmit the petition
19 to the governing body or to the school board. Immediately Except with regard to a
20 a metropolitan service district commission member of ~~the board of directors of a local park and recreation district~~ immediately
21 upon finding an original or amended petition sufficient, in cities over 500,000
22 population, the board of election commissioners shall file the petition in its office.
23 Immediately upon finding an original or amended petition sufficient, with regard to
24 a metropolitan service district commission a member of ~~the board of directors of a local park and recreation district~~ the local
25 ~~park and recreation district clerk~~ metropolitan service shall file the petition in his or her office and shall

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1 transmit a copy of the petition to the governing body of each city, village, and town
2 that has territory within the jurisdiction of the ~~local park and recreation~~ ^{metropolitan service} district. plain

3 SECTION 19. 9.10 (4) (d) of the statutes is amended to read:

4 9.10 (4) (d) ~~The~~ ^{Promptly upon receipt of a certificate under par.} governing body, school board, or board of election (a), the

5 commissioners, upon receiving the certificate or copy of the certificate issued under

6 ~~par. (a)~~ ^{par. (a)} shall call ~~an~~ ^{the} election on the Tuesday of the 6th week commencing after the

7 date of the certificate ~~if~~ ^{if} Tuesday is a legal holiday, the recall election shall be held
8 on the first day after Tuesday which is not a legal holiday. ^{a recall} plain

9 SECTION 20. 9.10 (7) of the statutes is amended to read:

10 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
11 article XIII, section 12, of the constitution and to extend the same rights to electors
12 of cities, villages, towns, ~~local park and recreation~~ ^{metropolitan service} districts, and school districts.

13 SECTION 21. 10.05 of the statutes is amended to read:

14 10.05 Posting of notice. Unless specifically designated elsewhere, this
15 section applies to villages, towns and, school districts, and ~~local park and recreation~~ ^{metropolitan service}
16 ~~districts~~. Whenever a notice is required to be published, a village, town or, school
17 district, or ~~local park and recreation~~ ^{metropolitan service} district may post 3 notices in lieu of publication
18 under ch. 985 whenever there is not a newspaper published within the village, town
19 or, school district, or ~~local park and recreation~~ ^{metropolitan service} district or whenever the governing
20 body of the village, town or, school district, or ~~local park and recreation~~ ^{metropolitan service} district
21 chooses to post in order to supplement notice provided in a newspaper. Whenever
22 the manner of giving notice is changed by the governing body, the body shall give
23 notice of the change in the manner used before the change. Whenever posting is
24 used, the notices shall be posted no later than the day prescribed by law for
25 publication, or, if that day falls within the week preceding the election to be noticed,

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SECTION 21

1 at least one week before the election. All notices given for the same election shall be
2 given in the same manner.

3 SECTION 22. 10.07 (1) of the statutes is amended to read:

4 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
5 whenever any county clerk ~~or and one or more municipal or school district, or local~~
6 ~~park and recreation district~~ ^{metropolitan service} clerks within the same county are directed to publish,
7 ~~or whenever 2 or more municipal, school district, or local park and recreation district~~ ^{metropolitan service}
8 ~~clerks within the same county are directed to publish~~ any notice or portion of a notice
9 under this chapter on the same date in the same newspaper, the text of which is
10 identical, the clerks may publish one notice only. The cost of publication of such
11 notice or the portion of the notice required shall be apportioned equally between the
12 county and each municipality ~~or school district, or local park and recreation district~~ ^{metropolitan service}
13 sharing in its publication. ✓

14 SECTION 23. 11.02 (8) of the statutes is created to read:

15 11.02 (8) If the jurisdiction under sub. (3) is a ~~local park and recreation district,~~ ^{metropolitan service}
16 the appropriate clerk is the ~~local park and recreation district clerk.~~ ^{metropolitan service}

17 SECTION 24. 11.31 (1) (h) (intro.) of the statutes is amended to read:

18 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
19 jurisdiction or district with less than 500,000 inhabitants according to the latest
20 federal census or census information on which the district is based, as certified by
21 the appropriate filing officer, and candidates for member of ~~the board of directors of~~ ^{a metropolitan}
22 ~~a local park and recreation district,~~ ^{service district commission} an amount equal to the greater of the following:

23 SECTION 25. 17.01 (11m) of the statutes is created to read:

24 17.01 (11m) By a member of the ~~board of directors of a local park and recreation~~ ^{metropolitan service}
25 ~~district, to the board of directors.~~ ^{commission} The ~~board of directors~~ ^{commission} shall immediately give a copy
^{commission}

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SECTION 25

1 of each resignation under this subsection to the elections board and to the chief
2 executive officer of each municipality that has territory within the jurisdiction of the
3 district.

4 SECTION 26. 17.13 (intro.) of the statutes is amended to read:

5 17.13 Removal of village, town, town sanitary district, school district,
6 technical college ~~and family care district, and local park and recreation~~ metropolitan service
7 district officers. (intro.) Officers of towns, town sanitary districts, villages, school
8 districts, technical college districts and family care districts, ~~and local park and~~
9 ~~recreation~~ metropolitan service districts may be removed as follows:

10 SECTION 27. 17.13 (3) of the statutes is amended to read:

11 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
12 ~~or, technical college district, or local park and recreation district~~ metropolitan service
13 appointive, including those embraced within subs. (1) and (2), by the a judge of the
14 circuit court of the a circuit wherein the village, town, town sanitary district, school
15 district ~~or, technical college district, or local park and recreation district~~ metropolitan service
16 is situated, for cause.

17 SECTION 28. 17.27 (1f) of the statutes is created to read:

18 17.27 (1f) ~~BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS~~ (C) METROPOLITAN SERVICE DISTRICT COMMISSION
19 as provided in s. 9.10, a vacancy in the office of any member of the ~~board of directors~~ metropolitan service district commission
20 ~~of a local park and recreation district~~ may be filled by temporary appointment of the
21 remaining members of the ~~board of directors~~ commission. The temporary appointee shall serve
22 until a successor is elected and qualified. If the vacancy occurs in any year after the
23 first Tuesday in April and on or before December 1, the vacancy shall be filled for the
24 residue of the unexpired term, if any, at ~~on~~ the date of the next spring election. If the
25 vacancy occurs in any year after December 1 or on or before the first Tuesday in April,

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1 the vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd
2 succeeding spring election.

3 ~~SECTION 29. 23.09 (19) (a) 2. of the statutes is amended to read:~~

4 23.09 (19) (a) 2. "Governmental unit" means a city, village, town, county, lake
5 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and
6 rehabilitation district, or local park and recreation district under subch. VI of ch. 229,
7 or the Kickapoo reserve management board.

8 ~~SECTION 30. 23.09 (20) (ab) 1. of the statutes is amended to read:~~

9 23.09 (20) (ab) 1. "Governmental unit" means a municipality, a local park and
10 recreation district under subch. VI of ch. 229, or the Kickapoo reserve management
11 board.

12 ~~SECTION 31. 23.09 (20m) (a) 1. of the statutes is amended to read:~~

13 23.09 (20m) (a) 1. "Governmental unit" means a city, village, town, county, or
14 local park and creation district under subch. VI of ch. 229, or the Kickapoo reserve
15 management board.

16 ~~SECTION 32. 23.0917 (4m) (a) 3. of the statutes is amended to read:~~

17 23.0917 (4m) (a) 3. "Local governmental unit" means a city, village, town,
18 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake
19 protection and rehabilitation district, or local park and recreation district under
20 subch. VI of ch. 229.

21 ~~SECTION 33. 23.094 (1) of the statutes is amended to read:~~

22 23.094 (1) DEFINITION. In this section, "political subdivision" means a city,
23 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public
24 inland lake protection and rehabilitation district, or local park and recreation
25 district under subch. VI of ch. 229.

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SECTION 71

(c) The signed petition is filed with the clerk of each municipality in which the petition is circulated.

(4) If all of the steps in sub. (3) occur, each municipality in which petitions containing the requisite number of signatures are submitted to the clerk shall hold a referendum at the next succeeding spring election. Subject to sub. (5), if the question submitted at the referendum is approved by a majority of the electors who vote in the referendum at the spring election in at least 2 municipalities, a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and each municipality, and that has the powers under s. 229.863 is created, the boundaries of which include each municipality in which the question is approved. The referendum question shall be substantially as follows: "Shall a local park and recreation district, the territory of which includes in whole the [name of municipality], be created?" If a referendum question is not approved in at least 2 municipalities, no district may be created.

(3) (a) Before a district may be created, the governing bodies of each municipality that has adopted a resolution under sub. (1) or in which a referendum question has been approved under sub. (4) shall adopt a resolution or enact an ordinance, not later than September 1 of the year in which the resolution under sub. (1) or the referendum question is approved, that, subject to pars. (b) and (c), contains an agreement among each of the governing bodies which addresses at least the following provisions:

1. A mechanism that provides, from each of the municipalities, a loan of start-up funds for the initial operating costs of the district. The loaned start-up

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SECTION 71

20-20.2

1 funds shall be sufficient to sustain the district until it receives the first amount of
2 proceeds from a tax that is imposed under s. 229.863 (8).

3 (1) A method of appointing temporary members to the ~~board of directors~~ ^{commission} under
4 sub. (b) ⁽⁴⁾ to serve until the initial members are elected at the spring election and
5 qualified to take office. ⁽⁴⁾

6 (2) An apportionment plan for the election of ~~the board of directors of the district~~ ^{members of the commission}
7 ~~board~~ under sub. (b) (b), unless the governing bodies of all of the municipalities of
8 which the district is initially comprised provide for the election of members of the
9 ~~board of directors~~ ^{commission} without an apportionment plan.

10 4. A method to transfer title of the municipal park facilities within their
11 individual jurisdictions to the district.

12 5. The maximum property tax levy rate that the district may impose under s.
13 229.863 (8) (a). The maximum property tax levy rate may be no less than 0.7 mills
14 nor more than 1.4 mills for each dollar of the district's equalized valuation, as
15 determined under s. 70.57.

16 (b) 1. Before the municipalities may consider a resolution or ordinance that is
17 described in par. (a), all of the municipalities shall enter into an agreement on the
18 selection of an arbitrator who will decide any of the issues under par. (a) that are not
19 resolved by the municipalities by September 1 of the year described under par. (a),
20 except as provided in subd. 2. If the municipalities are unable to reach agreement
21 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,
22 which resolves all such outstanding items, not later than November 1 of the year
23 described under par. (a).

24 2. If the municipalities are unable to reach an agreement concerning whether
25 the ~~members of the board of directors~~ ^{commission} shall be elected with or without an

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1 appportionment plan under sub. (b), the ~~board of directors~~ ^{Commission} shall be elected
2 pursuant to an appportionment plan. ✓

3 (c) Before the municipalities may consider a resolution or ordinance that is
4 described under par. (a), each municipality that is subject to an agreement or
5 contract with a county under s. 27.075 (1), (2), or (4) shall negotiate with the county
6 the termination of any such agreements or contracts. If a municipality is unable to
7 negotiate the termination of any agreements or contracts under s. 27.075, the
8 municipality may not become part of a district until the agreements or contracts
9 expire or are otherwise terminated.

10 4 (a) 1. The district is governed by its ~~board of directors~~ ^{Commission}. The ~~board of directors~~
11 ^{Commission} may adopt bylaws to govern the district's activities, subject to this subchapter. ✓
12 Except as provided in s. 229.862, ~~the board of directors~~ ^{The Commission} shall consist of 9 members
13 who are elected at-large.

14 2. The ~~board of directors~~ ^{Commission} shall be elected at the spring election pursuant to an
15 appportionment plan under par. (b) unless the governing bodies of each of the
16 municipalities of which the district is comprised by resolution determine, no later
17 than November 1 preceding any spring election, that the members of the ~~board of~~
18 ~~directors~~ ^{Commission} shall be elected at that election and thereafter without an appportionment
19 plan. If the governing bodies of each municipality of which the district is comprised
20 determine to elect members of the ~~board of directors~~ ^{Commission} without an appportionment plan,
21 the governing bodies may, no later than November 1 preceding a spring election, by
22 resolution determine to elect members of the ~~board of directors~~ ^{Commission} at that election and
23 thereafter pursuant to an appportionment plan, if an identical plan is adopted by each
24 of those governing bodies by that date. ✓

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1 3. The first election of members of the ~~board of directors~~ ^{COMMISSION} shall occur in April of
2 the year following the year described in sub. (b) (a). Temporary members shall be
3 appointed according to the agreement reached under sub. (b) (a) ³ or imposed by an ¹
4 arbitrator under sub. (b) ³ (b) to serve until the initial members are elected at the
5 spring election and qualified to take office. ✓

6 (b) 1. Each apportionment plan shall divide the entire district into apportioned
7 geographic areas for the election of members of the ~~board of directors~~ ^{COMMISSION}. The
8 ^{Unless the number of commissioners is changed under S. 229.864(1),} boundaries of the apportioned areas shall remain unchanged unless the governing
9 bodies of each of the municipalities of which the district is comprised agree, by
10 resolution adopted no later than November 1 preceding a spring election, to prescribe
11 revised boundaries for the election of members of the ~~board of directors~~ ^{COMMISSION} at that
12 election and thereafter, and except that, if a municipality becomes a part of the
13 district after its creation, the governing bodies of the municipalities of which the
14 district is comprised shall, by resolution, prescribe identical revised boundaries of
15 the apportioned areas no later than September 1 preceding the first spring election
16 at which members of the board of directors are to be elected from the new district.
17 If the governing bodies are unable to reach an agreement concerning an identical
18 apportionment plan by September 1 preceding that spring election, an arbitrator
19 appointed pursuant to sub. (b) ³ (b) 1. shall resolve the dispute no later than November
20 1 preceding that election.

21 2. If the members of the ~~board of directors~~ ^{COMMISSION} are elected pursuant to an
22 apportionment plan, each candidate for member of the board of directors shall state
23 on the face of his or her declaration of candidacy and nomination papers the
24 apportioned area for which the candidate seeks office.

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(c) Each member of the board of directors shall be a resident of the district and, if an apportionment plan for the election of members of the ~~board of directors~~ ^{commission} is used, shall be a resident of the apportioned area for which he or she is elected at the time that the member takes the oath of office. If a member of the ~~board of directors~~ ^{commission} who is elected from an apportioned area ceases to be a resident of that area after the beginning of his or her term of office but continues to be a resident of the district, the member may continue to serve for the remainder of the term for which he or she was elected or appointed.

(d) The terms of the members of the ~~board of directors~~ ^{commission} shall be 3 years, beginning on the next succeeding first Monday in June, except that the terms of one-third of the initial persons elected or appointed to office shall expire on the first Monday in June that is one year following the next succeeding June; the terms of one-third of the initial persons elected or appointed to office shall expire on the first Monday in June that is 2 years following the next succeeding June; and the terms of one-third of the persons elected or appointed to office shall expire on the first Monday in June that is 3 years following the next succeeding June. Members of the ~~board of directors~~ ^{commission} may be removed from office before the expiration of their terms, for cause, as provided under s. 17.13 (3) and may be recalled as provided under s. 9.10. Vacancies in the office of member of the ~~board of directors~~ ^{commission} shall be filled as provided under s. 17.27 (1f).

(e) The board of directors shall elect from its membership a chairperson, a vice chairperson, a secretary, and a treasurer. A majority of the current membership of the board of directors constitutes a quorum to do business. The district may take action based on the affirmative vote of a majority of those directors who are present at a meeting of the board of directors.

< end ins 26-20 >

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(f) 1. The ~~board of directors~~ ^{Commission} shall appoint a person to serve as clerk of the district. The clerk shall administer the affairs of the district, under the direction of the ~~board of directors~~ ^{Commission}. Within 7 days after the appointment of any person to fill a vacancy on the ~~board of directors~~ ^{Commission}, the clerk shall notify the person of his or her appointment. ✓

2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify to the county clerk of each county lying wholly or partially within the district the names of candidates who have filed valid nomination papers for member of the ~~board of directors~~ ^{Commission} and who are eligible to have their names appear on the ballot under s. 8.30. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of candidates to the municipal clerk. In making these certifications, the clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a ~~board of directors~~ ^{Commission}, the clerk shall certify to the county clerk of each county lying wholly or partially within the district the names of candidates who have won nomination to the ~~board of directors~~ ^{Commission} and who are eligible to have their names appear on the ballot under s. 8.30. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of candidates to the municipal clerk. The clerk shall notify the municipal clerk of each municipality lying wholly or partially within the district of any district election and furnish each municipal clerk with a copy of the notice of the district election. ✓ If paper ballots are utilized at a district election, the clerk shall provide each municipal clerk with an adequate supply of ballots for the election at least 22 days before the election.

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1 The clerk shall issue certificates of election to persons who are elected to the ~~board~~ ^{commission} ✓
2 ~~of directors~~ after each election in the manner provided under s. 7.53 (4).

3 (g) The members of the board of directors shall be reimbursed for their actual
4 and necessary expenses incurred in the performance of their duties.

5 (h) Upon the election under par. (a) and qualification of a majority of the
6 members of a board of directors, the board of directors may exercise the powers and
7 duties of a board of directors under this subchapter.

8 (i) At its first meeting, the board of directors shall name the district.

9 (7) (a) The territory of a municipality may be in only one district. If a city or
10 village whose territory is in one district annexes territory that contains park
11 facilities that are located in a different district, that district shall transfer ownership
12 of the park facilities that are located in the annexed territory to the district whose
13 territory includes the annexing city or village. The park district which receives the
14 annexed territory shall negotiate a settlement agreement with the park district from
15 which the territory was annexed to compensate that park district for the park
16 facilities that are transferred, based on at least all of the following factors:

17 1. The current value of park facilities that are transferred.

18 2. The amount of money or any other contribution made by the park district for
19 the park facilities that are transferred.

20 (b) If the park districts are unable to negotiate a settlement under par. (a)
21 within 60 days after the effective date of the annexation that results in the transfer
22 of territory, the districts shall agree on the selection of an arbitrator who shall decide
23 the settlement amount, and send written notification of his or her decision to all
24 parties, within 30 days after his or her appointment.

<end ins 26-25>

ANS 38A

NOT Any change that is adopted or enacted on or before November 1 of any year is effective with respect to terms of office that begin on the June 1 ~~that~~ follows that November 1. Any change that is adopted or enacted by all municipalities after September 1 of any year is effective with respect to terms of office that begin on the 2nd June 1 ~~that~~ follows that November 1.

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2003-2004 DRAFTING INSERT
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INSERT ARG 23-13:

SECTION 1. 66.1021 (11) (a) of the statutes is amended to read:

66.1021 (11) (a) In lieu of providing transportation services, a city, village or town may contract with a private organization for the services or, with respect to mass transit services as defined in s. 229.863 (3) (f), a metropolitan service district that provides services under s. 229.863 (2) (f).

INSERT ARG 24-4:

SECTION 2. 81.001 of the statutes is created to read:

81.001 **Definitions.** In this chapter, "metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 3. 81.19 of the statutes is created to read:

81.19 **Highway defects; liability of metropolitan service district.** A town, city, or village has a right of action against a metropolitan service district with which the town, city, or village has contracted to perform highway maintenance services under s. 229.863 (2) (g) if any damages recovered against the town, city, or village under s. 81.15 or 81.17 arise from the actions or omissions of the metropolitan service district in fulfilling its highway maintenance duties.

Definitions

8

SECTION 4. 83.001 of the statutes is amended to read:

(intro.)

83.001 **Definition.** In this chapter,

"department" (1) "Department" means the department of transportation.

SECTION 5. 83.001 (2) of the statutes is created to read:

Fix
component

strike

renumbered 83.001 (intro.) and

83.001 (2) "Metropolitan service district" has the meaning given for [§]district[§] in s. 229.86 (3).

SECTION 6. 83.018 of the statutes is amended to read:

83.018 Road supplies; committee may sell to municipalities. The county highway committee is authorized to sell road building and maintenance supplies on open account to any city, village, town or school district within the county, or to any metropolitan service district that provides services under s. 229.863 (2) (g) and any part of which includes the county; and any such city, village, town ~~or~~, school district, or metropolitan service district is authorized to purchase such supplies.

SECTION 7. 84.001 (1s) of the statutes is created to read:

84.001 (1s) "Metropolitan service commission" has the meaning given for [§]commission[§] in s. 229.86 (2).

SECTION 8. 84.001 (1t) of the statutes is created to read:

84.001 (1t) "Metropolitan service district" has the meaning given for [§]district[§] in s. 229.86 (3).

SECTION 9. 84.07 (1) of the statutes is amended to read:

84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk highway system shall be maintained by the state at state expense. The department shall prescribe by rule specifications for such maintenance and may contract with any county highway committee ~~or~~, municipality, or metropolitan service district that provides services under s. 229.863 (2) (g) to have all or certain parts of the work of maintaining the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, performed by the county ~~or~~, municipality, or metropolitan service district, and any county ~~or~~, municipality, or metropolitan service district may enter into such contract. General maintenance activities include

the application of protective coatings, the removal and control of snow, the removal, treatment and sanding of ice, interim repair of highway surfaces and adjacent structures, and all other operations, activities and processes required on a continuing basis for the preservation of the highways on the state trunk system, and including the care and protection of trees and other roadside vegetation and suitable planting to prevent soil erosion or to beautify highways pursuant to s. 80.01 (3), and all measures deemed necessary to provide adequate traffic service. Special maintenance activities include the restoration, reinforcement, complete repair or other activities which the department deems are necessary on an individual basis for specified portions of the state trunk system. Maintenance activities also include the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems. The department may contract with a private entity for services or materials or both associated with the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, and intelligent transportation systems.

✓
SECTION 10. 84.07 (2) of the statutes is amended to read:

84.07 (2) **REPAYMENT FOR STATE WORK.** When any county ~~or~~, municipality, or metropolitan service district maintains the state trunk highways within or beyond the limits of the county or municipality, including interstate bridges, in compliance with the arrangement with the department, the department shall pay the actual cost of the maintenance, including the allowance for materials and the use of county ~~or~~, municipal, or metropolitan service district machinery and overhead expenses agreed upon in advance. The payments shall be made upon presentation by the county highway committee ~~or~~, municipal clerk, or metropolitan service commission of a

properly itemized and verified account. The county highway committee or, municipal clerk, or metropolitan service commission shall present the itemized accounts for general maintenance work no later than one month following the period during which the work is performed. ✓

✓
SECTION 11. 84.07 (4) of the statutes is amended to read:

84.07 (4) EMERGENCY REPAIRS; BLOCKING STREETS OR ROADS; DETOURS. Except in case of emergency, no city, village or, town, or metropolitan service district shall obstruct any street or road over which any state trunk highway is marked unless it first makes arrangements with the department for marking a detour.

✓
SECTION 12. 85.01 (2g) of the statutes is created to read:

85.01 (2g) "Metropolitan service district" has the meaning given for [“]district[”] in s. 229.86 (3). ✓

✓
SECTION 13. 85.20 (1) (d) of the statutes is amended to read:

85.20 (1) (d) "Local public body" includes counties, municipalities or towns, or agencies thereof; metropolitan service districts that provide services under s. 229.863 (2) (f); transit or transportation commissions or authorities and public corporations established by law or by interstate compact to provide mass transportation services and facilities or 2 or more of any such bodies acting jointly under s. 66.0301 to 66.0303. ✓

✓
SECTION 14. 85.22 (2) (c) of the statutes is amended to read:

85.22 (2) (c) "Local public body" has the meaning given in s. 85.20 (1) (d), except as limited by rule of the department, but does not include metropolitan service districts. ✓

✓
SECTION 15. 85.243 (1) (b) of the statutes is amended to read:

85.243 (1) (b) "Local public body" includes counties, municipalities or towns, or agencies thereof; metropolitan service districts that provide services under s. 229.863 (2) (f); transit or transportation commissions or authorities and public corporations established by law or by interstate compact to provide mass transportation services and facilities or 2 or more of any such bodies acting jointly under s. 66.0301 or 66.0303.

SECTION 16. 85.52 (1) (ag) of the statutes is amended to read:

85.52 (1) (ag) "Eligible applicant" means a county, city, village, town or combination thereof, a metropolitan service district that provides services under s. 229.863 (2) (f), Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01 (5), a private nonprofit organization that is an eligible applicant under s. 85.22 (2) (am), or a transit commission created under s. 59.58 (2) or 66.1021.

SECTION 17. 86.001 (2g) of the statutes is created to read:

86.001 (2g) "Metropolitan service district" has the meaning given for district in s. 229.86 (3).

SECTION 18. 86.105 of the statutes is amended to read:

86.105 Snow removal in private driveways. The governing body of any county, town, city or village, or metropolitan service district providing services under s. 229.863 (2) (g) may enter into contracts to remove snow from private roads and driveways.

SECTION 19. 125.02 (10m) of the statutes is created to read:

125.02 (10m) "Metropolitan service commission" has the meaning given for commission in s. 229.86 (2).

SECTION 20. 125.02 (10p) of the statutes is created to read:

125.02 (10p) "Metropolitan service district" has the meaning given for district[✓]
in s. 229.86[✓] (3).

SECTION 21. 125.12 (1) (d) of the statutes is created to read:

125.12 (1) (d) An operator's license issued by a metropolitan service district
under ss. 125.17[✓] and 229.863 (2) (L)[✓] may only be revoked, suspended, or refused
renewal by the issuing metropolitan service district as provided in s. 229.863 (3) (L).[✓]

SECTION 22. 125.17 (1), (2), (3), (4) (intro.), (5) (a), (b), (c) and (e), (6) (intro.),^(a)
(b) and (c) of the statutes are amended to read:

125.17 (1) AUTHORIZATION. Every municipal governing body, or metropolitan
service commission authorized by a municipal governing body to provide services
under s. 229.863 (2) (L)[✓], shall issue an operator's license to any applicant who is
qualified under s. 125.04 (5). Operators' licenses may not be required other than for
the purpose of complying with ss. 125.32 (2) and 125.68 (2). Operators' licenses may
be issued only upon written application.

(2) VALIDITY. Operators' licenses are valid only within the issuing municipality
or metropolitan service district.[✓]

(3) FEE. The municipal governing body shall establish by ordinance, or the
metropolitan service commission shall establish by resolution, a fee for the operator's
license. Except as provided under sub. (4), a license shall be valid for one or 2 years,
as determined by the municipal governing body or metropolitan service commission,
and shall expire on June 30, except in 1st class cities the license shall expire on
December 31. ✓

(4) TEMPORARY LICENSE. (intro.)
Any municipal governing body, or any metropolitan
service commission authorized by a municipal governing body to provide services

✓
under s. 229.863 (2) (L), may issue a temporary operator's license under the terms of subs. (1) to (3), except that:

(5) PROVISIONAL LICENSE. (a) A municipal governing body or metropolitan service commission that issues operators' licenses shall issue provisional operators' licenses. The municipal governing body may by ordinance, and the metropolitan service commission may ^{by} be resolution, establish standards under which provisional licenses shall be issued and shall by ordinance or resolution designate the municipal official or metropolitan service district employee having authority to issue them.

(b) A provisional license may be issued only to a person who has applied for an operator's license under sub. (1). A provisional license may not be issued to any person who has been denied a license under sub. (1) by the municipal governing body or metropolitan service commission.

(c) The municipal governing body or metropolitan service commission shall establish the fee for a provisional license. The fee may not exceed \$15.

(e) The municipal official or metropolitan service district employee who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application. ✓

(6) TRAINING COURSE. (a) ^(intro.) Except as provided in par. (b), no municipal governing body or metropolitan service commission may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board, or unless the applicant fulfills one of the following requirements:

(b) A municipal governing body, or a metropolitan service commission [✓]
authorized by a municipal governing body to provide services under s. 229.863 (2) (L),
shall issue a provisional operator's license to a person who is enrolled in a training
course under par. (a) and who meets the standards, if any, established by the
municipality by ordinance, ~~if any~~ or by the metropolitan service district by
resolution. The municipal governing body or metropolitan service commission shall
revoke that license if the applicant fails successfully to complete the course in which
he or she enrolls.

(c) No municipal governing body or metropolitan service commission may
require that applicants for operators' licenses undergo training in addition to that
under par. (a) but may require applicants to purchase at cost materials that deal with
relevant local subjects not covered in the course under par. (a).

[✓]
SECTION 23. 125.32 (2) of the statutes is amended to read:

125.32 (2) OPERATORS LICENSES CLASS "A" OR CLASS "B" PREMISES. Except as
provided under sub. (3) (b) and s. 125.07 (3) (a) 10., no premises operated under a
Class "A" or Class "B" license or permit may be open for business unless there is upon
the premises the licensee or permittee, the agent named in the license or permit if
the licensee or permittee is a corporation or limited liability company, or some person
who has an operator's license and who is responsible for the acts of all persons
serving any fermented malt beverages to customers. An operator's license issued in
respect to a vessel under s. 125.27 (2) is valid outside the municipality or
metropolitan service district that issues it. For the purpose of this subsection, any
person holding a manager's license under s. 125.18 or any member of the licensee's
or permittee's immediate family who has attained the age of 18 shall be considered
the holder of an operator's license. No person, including a member of the licensee's

or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 24. 125.68 (2) of the statutes is amended to read:

125.68 (2) OPERATORS' LICENSES; "CLASS A", "CLASS B" OR "CLASS C" PREMISES. Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class A" or "Class C" license or under a "Class B" license or permit may be open for business unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality or metropolitan service district that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

✓
INSERT ARG 35-22:

(f) A district may provide services relating to the operation, enhancement, improvement, and promotion of an existing mass transit system. "Mass transit system" has the meaning given in s. 85.20 (1) (e).

(g) 1. A municipality may provide all or certain parts of the work of maintaining the highways under its jurisdiction, including snow removal, highway lighting, and highway surface cleaning, by contracting with a district to provide highway maintenance services. Notwithstanding s. 229.861 (5) (e), a municipality that joins a district providing services under sub. (2) (g) may specify which highway maintenance services shall be provided by the district and need not have all highway maintenance services provided by the district. ✓

2. A district that provides services under sub. (2) (g) may contract with the department of transportation to provide highway maintenance services under s. 84.07. The department of transportation may require the district to adopt the uniform system of cost accounting required of counties under s. 83.015 (3) (d) before entering into a contract with the district to provide highway maintenance services under s. 84.07. ✓

3. A municipality that contracts with a district under subd. 1. to provide highway maintenance services shall transfer to the district, within 30 days of receipt by the municipality of any transportation aids payment under s. 86.30 or 86.32, that percentage of the payment that represents the cost of the highway maintenance services to be provided by the district as compared to, with respect to aids paid under s. 86.30, the cost of all other transportation-related services provided by the municipality, with respect to aids paid under s. 86.32, the cost of all other connecting highway maintenance services provided by the municipality. The

and

percentage transferred under this subdivision shall be consistent with the municipality's reporting of cost data under s. 86.303. For purposes of reporting under s. 86.303, a municipality that contracts with a district under subd. 1. to provide highway maintenance services shall include such highway maintenance services in its report under s. 86.303 and specify that such services are provided by a district, and shall further specify the amount of transportation aids transferred to the district for the performance of such services.

(L) 1. A district may issue alcohol beverages operators' licenses as provided in s. 125.17 and may renew licenses initially issued by any municipality that has provided the district with authorization to provide services under sub. (2) (L).

2. The district may, after notice and an opportunity for hearing, refuse to issue a license under subd. 1. and s. 125.17, or revoke, suspend, or refuse to renew a license issued by it under subd. 1. and s. 125.17, for any cause provided in s. 125.12 (2) (ag). Whenever a district revokes, suspends, or refuses to renew a license for any cause provided in s. 125.12 (2) (ag), the commission shall, within 10 days after the revocation, suspension, or refusal to renew, mail a report to the department of revenue and to the clerk of each municipality within the district of the licensee's residence as designated on the license application, identifying the licensee and specifying the action taken upon the license and the reason for the action. When a license is revoked, suspended, or refused renewal under this subdivision, no other ^{alcohol beverages operators'} license may be issued to the person within 12 months of the date of revocation, suspension, or refusal of renewal.

3. If a district revokes, suspends, or refuses to issue or renew a license under subd. 2., the licensee or applicant may seek review of the revocation, suspension, or refusal to issue or renew by filing an action in the circuit court of the county in which

the licensee or applicant resides. The procedure on review shall be the same as in civil actions instituted in the circuit court, but the action shall be decided by the court without a jury.

✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0219/P1insrc
RAC:.....

Insert RAC 35-18:

(1) 1. Whenever a municipality becomes a part of a district, the district shall employ all municipal employees who provided the services that will henceforth be provided by the district if the employees, as municipal employees, were included in a collective bargaining unit for which a representative is certified under subch. IV of ch. 111. ✓

2. Until the expiration date of the applicable collective bargaining agreement specified in subd. 1., the district shall provide the municipal employees who become district employees wages and benefits at least equal to those provided under the collective bargaining agreement and shall adhere to all terms of the collective bargaining agreement relating to hours and conditions of employment. ✓

3. The district shall employ the municipal employees specified under subd. 1. until the expiration date of the applicable collective bargaining agreement that covered the employees while they ^{were} municipal employees. Beginning on that expiration date, the district may offer continued employment to these employees under sub. (4) (e). ✓

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2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/P1insrt
RCT:.....

Insert RCT 24-4 ✓

SECTION 1. 174.05 (3) of the statutes is amended to read:

174.05 (3) **ADDITIONAL TAX.** The governing body of any county may by a majority vote of the members present at any regular meeting raise the minimum dog license tax on dogs within its jurisdiction and the The governing body of any town, village or city may by resolution raise the minimum dog license tax on dogs within its jurisdiction. The metropolitan service commission of any metropolitan service district that provides dog licensing services under s. 229.863 (2) (k) may by resolution raise the minimum dog license tax on dogs within the area for which the district provides dog licensing services. If the governing body of any county, town, village or city, or metropolitan service district increases the minimum tax, it shall provide that the tax for unneutered male dogs and unspayed female dogs is greater than the tax for neutered male dogs and spayed female dogs. The additional tax may not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received under s. 174.09 (2), and shall be levied and collected in the same manner as other dog license taxes.

remove
striking
keep
scoring

History: 1979 c. 289; 1983 a. 451; 1991 a. 39. ✓

SECTION 2. 174.06 (2m) of the statutes is created to read:

174.06 (2m) **METROPOLITAN SERVICE DISTRICT.** Notwithstanding sub. (1), a metropolitan service district has the responsibility to ascertain the dogs owned or kept within the area of the metropolitan service district in which the metropolitan service district provides dog licensing services under s. 229.863 (2) (k). Notwithstanding sub. (2), the metropolitan service commission shall designate the

863

listing official for the area of the metropolitan service district in which the metropolitan service district provides dog licensing services under s. 229.823 (2) (k).

SECTION 3. 174.06 (3) of the statutes is amended to read:

174.06 (3) COMPENSATION. A listing official who is not a full-time, salaried municipal or metropolitan service district employee shall receive as compensation 50 cents for each dog listed, or a greater amount established by the county board by ordinance or resolution, to be audited and allowed by the county board as other claims against the county and to be paid out of the dog license fund. A listing official who is a full-time, salaried municipal or metropolitan service district employee shall receive this compensation from the county board but shall be required to pay the compensation into the town, village or city, or metropolitan service district treasury.

History: 1973 c. 90, 333; 1975 c. 290, 421; 1977 c. 29 s. 1650m (4); 1979 c. 289; 1981 c. 285, 314; 1983 a. 451; 2001 a. 16.

SECTION 4. 174.065 (1) of the statutes is renumbered 174.065 (1) (a) and amended to read:

174.065 (1) (a) The Except as provided in par. (b), the collecting official is any city, village, or town treasurer or other tax collecting officer or any person deputized by the treasurer or tax collecting official, unless the common council or village or town board provides by ordinance or resolution for the appointment of a different person. Veterinarians and humane societies may voluntarily become collecting officials for a city, village, or town if the governing body of the city, village, or town by resolution or ordinance provides that veterinarians and humane societies may be collecting officials for the city, village, or town.

History: 1979 c. 289 ss. 14, 24; 1981 c. 285; 1987 a. 378; 2001 a. 16.

SECTION 5. 174.065 (1) (b) of the statutes is created to read:

174.065 (1) (b) In a city, village, town, or portion of a town in which a metropolitan service district provides dog licensing services under s. 229.863 (2) (k),

the collecting official is the person designated by the metropolitan service commission. Veterinarians and humane societies may voluntarily become collecting officials for a metropolitan service district if the metropolitan service commission by resolution provides that veterinarians and humane societies may be collecting officials for the metropolitan service district.

SECTION 6. 174.08 of the statutes is amended to read:

174.08 License fees paid to county treasurer. Every collecting official shall pay all dog license taxes to the town, village or city treasurer or other tax collecting officer, or to the metropolitan service district in an area in which the metropolitan service district provides dog licensing services under s. 229.863 (2) (k), who shall deduct any additional tax which may have been levied by the municipal governing body or the metropolitan service commission and pay the remainder to the county treasurer at the time settlement is made with the county treasurer for collections of personal property taxes, and shall at the same time report in writing to the county clerk the licenses issued. The report shall be in the form prescribed by the department, and the forms shall be furnished by the county clerks.

History: 1977 c. 29; 1979 c. 289.

Insert RCT 41-20

SECTION 7. 287.09 (1) (a) of the statutes is amended to read:

287.09 (1) (a) Except as provided in pars. (b) to ~~(d)~~ (dm), each municipality is a responsible unit.

History: 1989 a. 335, 359; 1993 a. 116, 406; 1995 a. 201; 1995 a. 227 s. 891; Stats. 1995 s. 287.09; 1997 a. 27; 1999 a. 150 s. 672.

SECTION 8. 287.09 (1) (dm) of the statutes is created to read:

287.09 (1) (dm) A metropolitan service district that provides recycling services under s. 229.863 (2) (i) is a responsible unit.

SECTION 9. 287.09 (1) (e) of the statutes is amended to read:

287.09 (1) (e) The governing body of a county that adopts a resolution under par. (b) or enters into a contract under par. (d) shall submit a copy of the resolution or contract to the department and to the clerk of each municipality in the county, within 30 days after adoption of the resolution or the signing of the contract. The governing body of a municipality that adopts a resolution under par. (c) or enters into a contract under par. (d) shall submit a copy of the resolution or contract to the department and to the clerk of the county in which the municipality is located, within 30 days after adoption of the resolution or the signing of the contract. A metropolitan service district that is a responsible unit under par. (dm) shall notify the department and the clerk of the county in which the metropolitan service district is located of the region for which the metropolitan service district is a responsible unit, within 30 days after it becomes a responsible unit. ✓

History: 1989 a. 335, 359; 1993 a. 116, 406; 1995 a. 201; 1995 a. 227 s. 891; Stats. 1995 s. 287.09; 1997 a. 27; 1999 a. 150 s. 672.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/PlinsJK
JK.....

Insert Joe 24 - 4

X

1 SECTION 1. 70.11 (37m) of the statutes is created to read:

2 70.11 (37m) METROPOLITAN SERVICE DISTRICT. The property of a metropolitan
3 service district under subch. VI of ch. 229.

4 SECTION 2. 71.26 (1) (bm) of the statutes is amended to read:

5 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
6 created under subch. II of ch. 229, a local professional baseball park district created
7 under subch. III of ch. 229 ~~or~~, a local professional football stadium district created
8 under subch. IV of ch. 229 ~~or~~, a local cultural arts district created under subch. V of
9 ch. 229, or a metropolitan service district created under subch. VI of ch. 229.

10 SECTION 3. 77.25 (18m) of the statutes is created to read:

11 77.25 (18m) To a metropolitan service district under subch. VI of ch. 229.

12 SECTION 4. 77.54 (9a) (i) of the statutes is created to read:

13 77.54 (9a) (i) A metropolitan service district under subch. VI of ch. 229.

14 SECTION 5. 79.035 (title) of the statutes is amended to read:

15 79.035 (title) **County and municipal aid; metropolitan service district**
16 **aid.**

History: 2001 a. 109.

X

17 SECTION 6. 79.035 (1) of the statutes is renumbered 79.035(1) (a) and amended
18 to read:

19 79.035 (1) (a) Subject to reductions under sub. (3) and s. 79.036 (3), in 2004 and
20 subsequent years, each county and municipality shall receive a payment from the
21 county and municipal aid account in an amount determined under sub. (2).

History: 2001 a. 109.

X

22 SECTION 7. 79.035 (1) (b) of the statutes is created to read:

1 79.035 (1) (b) In 2004 and subsequent years, each metropolitan service district
2 created under subch. VI of ch. 229 shall receive a payment from the county and
3 municipal aid account in an amount determined under sub. (3).

4 **SECTION 8.** 79.035 (3) of the statutes is created to read:

5 79.035 (3) For the distribution in 2004 and subsequent years, the payment
6 under sub. (2) to a municipality that is part of a metropolitan service district created
7 under subch. VI of ch. 229 shall be reduced by a percentage that represents the cost
8 of the services that the municipality transferred to the metropolitan service district
9 as compared to the cost of all services provided by the municipality, as determined
10 by the department of revenue, and the amount of such reduction shall be paid to the
11 metropolitan service district.

12 **SECTION 9.** 79.05 (1) (bm) of the statutes is created to read:

13 79.05 (1) (bm) Notwithstanding s. 79.005 (1), "municipality" means any town,
14 village, or city in this state or a metropolitan service district created under subch. VI
15 of ch. 229.

End of Insert Joe 24 - 4

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/P1dn
MES&JK:cjs:pg

December 5, 2002

Representative Huber:

As we have prepared this version of the bill, we have developed a number of questions and comments.

Section 229.864 (6), exempting certain municipalities from 75% of the county tax levy for field services provided by the sheriff's department, is drafted according to your instructions. As I've discussed with you, however, this provision could be challenged as a violation of the uniformity clause of the Wisconsin Constitution, article VIII, section 1. Basically, the uniformity clause requires that the taxation of real property be uniform.

The 75% exemption of certain county residential property taxes that is created in this bill, however, essentially provides a refund to some taxpayers based on whether the metropolitan service district in which they reside provides police services. Arguably, such a refund provides a partial exemption for the property taxes of some taxpayers. The Wisconsin Supreme Court has held that reducing the taxes on some property but not exempting the property is a partial exemption that violates the uniformity clause. See *Knowlton v. Supervisors of Rock County*, 9 Wis. 410 (1859), *Gottlieb v. Milwaukee*, 33 Wis. 2d 408, 427-428 (1967), and *Ehrlich v. Racine*, 26 Wis. 2d 352 (1964). It could be argued that the economic effect of this provision is a reduction of property tax liability, which is a partial exemption, and that the provision therefore violates the uniformity clause.

Is the dissolution statute, under s. 229.867 consistent with your intent, or would you like the underlying municipalities to have a greater role in a district's dissolution?

Under the bill, beginning with distributions in 2004, a metropolitan service district is eligible for a payment under the expenditure restraint program. In addition, beginning with distributions in 2004, a metropolitan service district will receive a payment from the county and municipal aid account based on the cost of services transferred to the district by the underlying municipalities, as determined by the department of revenue, and the payments to the underlying municipalities will be reduced accordingly. The 2003 shared revenue payments are not affected by the bill because municipalities have already received notice of their estimated shared revenue payments for 2003 and have established their budgets based on such estimates. Also, please note that the current mechanism for distributing shared revenue payments ends with the 2003 distribution and is replaced by a much simpler distribution

calculation. Consequently, it is easier to begin shared revenue payments to districts in 2004 rather than make complex changes to appropriations and statutes that will have no effect after 2003. Is that okay?

Marc E. Shovers
Senior Legislative Attorney
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Joseph T. Kreye
Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.state.wi.us

Shovers, Marc

From: Levin, Jeremy
Sent: Thursday, January 16, 2003 3:36 PM
To: Shovers, Marc
Subject: Changes to MSD Proposal

Marc-

I'm attaching the changes that we would like made to the preliminary draft of our Metropolitan Service District proposal (LRB-0216/P1). There still are some other changes that we have in mind concerning the County Sheriff's field services and the veto panel, but we wanted to give you a chance to start working on these changes.

Thank you,

Jeremy



Memo--Changes to
make to LRB-0...

see #15
on 1/17/03
memo

↓
Don Dyke
called w/ changes
on this issue -
p. 70; p. 229.864 (6)

Shovers, Marc

From: Levin, Jeremy
Sent: Friday, January 17, 2003 3:33 PM
To: Shovers, Marc
Subject: Updated Memo



Memo--Changes to
make to LRB-0...

6-065-4

#15 is the only addition and change from the previous memo.

Memo:

Date: January 16, 2003

RE: Metropolitan Service District (Preliminary Draft)

From: Representative Greg Huber

Contact: Jeremy Levin (AM) 266-8588
(PM) 266-0654

Contact: Marc Shovers (608) 266-0129
LRB, Attorney

Changes to make to LRB-0216/P1:

- JTK
- 1) Commissioners shall only be elected to apportioned districts in a Metropolitan Service District (MSD). The districts will be redistricted every 10 years in conjunction with the federal census, and there should be no more than a 10 percent population deviation between the districts. Any language referring to a MSD to have its commissioners (members) elected at-large, and with residency requirements, is to be removed.
 - 2) "A Regional Planning Commission (RPC) shall redesignate urbanized areas every 10 years [currently drafted every 5 years], unless requested sooner by a MSD." (page 27, line 21 (section 63)--§66.0309(8)(c) 2.)
 - 3) *****Note on page 50--OK
 - 4) "Before a district may be created, the governing bodies of each municipality who has not opted out [remove "that has adopted a resolution"] ... etc." (page 51, line 3--§229.861(3)(a))
 - 5) "shall consist of 9 members who are elected." (page 52, line 3 --§229.861(4) (a)1.)
 - 6) Remove (page 52, line 4-14 --§229.861(4) (a)2.)

ME SJTK

JTK

JTK
7) If a member of the commission moves from their district, they must resign. The district will be declared vacant, until the board of commissioners appoints a resident of the district to occupy that seat on the board until the next spring election. At that time there will be an election to fulfill that seat until the original 3-year term is regularly scheduled to be elected. If the seat is up for its 3-year term to begin, then no special provisions are needed. (page 53, line 17-21--§229.861(4) (c))

JTK
8) The swearing-in and new term begins in late April, along with all the other municipal elected officials. (page 53, line 22 --§229.861(4) (d))

9) "The district may take action based on the affirmative vote of a majority of the commissioners." [Remove -- "who are present at a meeting of the commission."]
The commission must have at least five votes to move on anything. (page 54, line 10-12 --§229.861(4) (e))

10) The ~~RPC~~ will name the MSD at the time it formulates the boundaries for the urbanized area to be included in said district. If after the members of the commission are elected want to change the name of the MSD, they may do so. (page 55, line 18-20 --§229.861(4) (i) & ****Note)

11) Have municipalities transfer all real property and attachments to the MSD that relate to the service(s) provided by the MSD. In addition, transfer any vehicles and specialized equipment (assets) with a value greater than \$50,000 to the MSD that relate to the service(s) provided by the MSD. Remaining and/or other assets may be sold, leased or donated to the MSD by the municipalities. (****Note -- page 60--§229.862(6))

12) Unutilized or surplus real property and/or assets shall be returned to the municipality from where it originated. (§229.862)

13) ****Note on page 68—Delete -- §229.863(4) (jm))

14) ****Note on page 69—YES

15) Dispute resolution, Veto Panel (page 70 -- §229.865): Working off a passive review concept and §62.09(8)(c): Certain specified acts approved by the board of commissioners shall be submitted to the chief executive of all the underlying municipalities by the MSD clerk. Each chief executive then has 5 business days to inform the clerk, in writing, of any objection to an approved act. If 50 percent or more of the chief executives object, then the act will be considered vetoed. The clerk will automatically schedule a veto override session for the next regularly scheduled meeting, unless an emergency meeting is call before, where the veto override could be taken up. A two-thirds vote of all the members of the board shall then make the act effective notwithstanding the objections of the veto panel. In addition, at the formation of MSD, the underlying municipalities will determine which items (acts) are subject to veto review .

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, February 04, 2003 12:57 PM
To: Levin, Jeremy
Subject: LRB-0216 - metropolitan service districts

Jeremy,

I am working on the transportation aspect of this draft, in particular the highway maintenance services. Municipalities typically use vehicles to perform highway maintenance - do you want metropolitan service districts (MSDs) to be able to register vehicles in the same manner as municipalities, and do you want to apply the same liability provisions relating to operation of the vehicles as apply to municipalities (see s. 345.05)? Thanks. Aaron

Aaron R. Gary
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